

BUREAU OF INDIAN EDUCATION

# **Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol**

---

**Revised 2019**

## **TABLE of CONTENTS**

### **CHAPTER 1: REPORTING REQUIREMENTS**

- 1.0 Introduction
- 1.1 Legal Authorities
- 1.2 Responsibility Acknowledgement Form

### **CHAPTER 2: MANDATORY REPORTING**

- 2.0 Introduction
- 2.1 Positions Designated as Mandatory Reporters
- 2.2 Reporting Requirements
- 2.3 Failure to Report

### **CHAPTER 3: TYPES OF ABUSE**

- 3.0 Introduction
- 3.1 P.L. 101-630 Definitions
- 3.2 P.L. 101-647 Definitions
- 3.3 Reportable Incidents

### **CHAPTER 4: CHILD ABUSE REPORTING SUMMARY**

- 4.0 Introduction
- 4.1 Reporting Format – SCAN Report
- 4.2 Reporting Format – Employee Incident Report
- 4.3 Administrative Reporting Responsibilities
- 4.4 Confidentiality
- 4.5 Bad Faith Reporting
- 4.6 Protection of Involved Child
- 4.7 Mandatory Segregation
- 4.8 Notification to Alleged Offender
- 4.9 Closing a SCAN Report and Notification to Alleged Offender
- 4.10 Continuous Tracking of SCAN Reports through Closure

## **CHAPTER 5: REPORTING PROCEDURES**

- 5.0 Introduction
- 5.1 SCAN Reports involving a BIE Employee
- 5.2 SCAN Reports involving a Non-BIE Employee
- 5.3 SCAN Reports involving a Grant-Contract School Employee
- 5.4 Employee Incident Reports
- 5.5 Employee Incident Reports involving non-BIE Employee

## **CHAPTER 6: TRAINING**

- 6.0 Introduction
- 6.1 Awareness Training
- 6.2 Mandated Reporters
- 6.3 Supervisory Positions
- 6.4 Administrative SCAN Team

## **APPENDICES**

- Appendix A: Public Law 101-630, as amended, (Codified in 25 United States Code 3203, § 1169), *Indian Child Protection and Family Violence Prevention Act, as amended*
- Appendix B: Public Law 101-647, (Codified in 42 United States Code Section 13031), *Crime Control Act of 1990, Subchapter IV – Child Abuse Reporting*
- Appendix C: Responsibility Acknowledgement Form
- Appendix D: Suspected Child Abuse/Neglect Report (SCAN Report), Revised 2009
- Appendix E: Employee Incident Report Form
- Appendix F: Confidentiality Coversheet for SCAN or Employee Incident Report
- Appendix G: Notification to Alleged Offender - SCAN (BIE Employees, Contractors, Consultants only)
- Appendix H: Notification to Alleged Offender – Employee Incident Report (BIE Employees, Contractors, Consultants only)
- Appendix I: FAX Cover Sheet
- Appendix J: Notification of Closure to Alleged Offender -- SCAN (BIE Employees, Contractors, Consultants Only)
- Appendix K: Notification of Closure to Alleged Offender – Employee Incident Report (BIE Employees, Contractors, Consultants Only)

## CHAPTER 1 Reporting Requirements

1.0 Introduction. The Assistant Secretary - Indian Affairs announced the establishment and release of the Child Protection Handbook *Protecting American Indian/Alaska Native Children*, in the summer of 1998. The Handbook contained important information regarding the reporting and administration of the requirements set forth in the Indian Child Protection and Family Violence Prevention Act and the Crime Control Act of 1990. The Handbook has been a valuable tool for the BIA (Bureau of Indian Affairs) and Tribes in administering their reporting requirements. Since 1998, the Indian Child Protection and Family Violence Prevention Act had two significant amendments and the procedures outlined were general.

In August 2002, the Assistant Secretary - Indian Affairs established the Personnel Security and Suitability Program for Office of Indian Education Programs (OIEP) to increase accountability. As the program developed it became apparent that child abuse reporting had a significant impact on employee suitability. It was determined that the Bureau of Indian Education (hereinafter "BIE") needed specific procedures for managers and principals; consistent reporting formats; consistency in reporting and requirements for follow-up action thus the establishment of the BIE SCAN Office in 2008 (hereinafter "BIE SCAN Office"). The BIE Program Specialist position (hereinafter "Program Specialist") was also established to oversee all such reporting and procedures as it also relates to employees as alleged offenders. Training and a method for tracking and initiating pro-active action plans were also needed. The Bureau of Indian Education (BIE) *Reporting Suspected Child Abuse/Neglect (SCAN Protocol)* was developed specific to the BIE to supplement the Child Protection Handbook, issued in 1998, as well as, any amendments that were subsequently issued. In areas where the Child Protection Procedures conflict with the protocol, the SCAN Protocol will supersede. These procedures will be followed by all bureau-operated schools.

In July 2009, the Bureau of Indian Education (BIE) *Reporting Suspected Child Abuse/Neglect (SCAN Protocol)* was revised to include a section specific to Employee Incident Reports. The process remained the same as in the previous document with minimal changes in the reporting forms and supplemental data.

In July 2017 and 2019, subsequent revisions to the *Bureau of Indian Education (BIE) Reporting Suspected Child Abuse/Neglect (SCAN Protocol)* were completed that reflect minor and necessary changes in documentation though the procedures remain the same.

To further BIE's relationships with grant & contract schools, more consistent implementation of the *Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting (2009)* was necessary. It was therefore recommended that this protocol apply to all schools, including 638-Contract Schools.

### 1.1 Legal Authorities

1.1.A. **Public Law 101-630**, as amended, (Codified in 25 United States Code 3203, § 1169), *Indian Child Protection and Family Violence Prevention Act*, as amended, requires that any person identified as a Mandated Reporter who knows or has a reasonable suspicion that a child has been abused in Indian country, must report the information to the local protective services agency or local law enforcement agency. Further, if the Mandated Reporter knows or has a reasonable suspicion that actions are being taken, or are going to be taken, that would reasonably be expected to result in the abuse of a child in Indian country he/she must report the information to the local protective services agency or local law enforcement agency. Public Law 101-630 also specifically identifies positions designated as Mandatory Reporters, outlines the penalties for Mandated Reporters who fail to immediately report such abuse or actions described to the proper authorities, and the penalties for supervisors, or those having authority over Mandated Reporters, who prevent

or inhibit a Mandated Reporter from making the proper reports (*Appendix A*).

1.1.B. **Public Law 101-647**, (Codified in 42 United States Code Section 13031), *Crime Control Act of 1990, Subchapter IV – Child Abuse Reporting*, requires that any person who, while in a professional capacity or activity on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated to receive the report (*Appendix B*).

## 1.2 Responsibility Acknowledgement Form

Each BIE employee will receive notice of their responsibilities as a Mandated Reporter of child abuse upon initial employment and annually thereafter. The notification, (*Appendix C*) or its equivalent will be issued in written form and the employee will sign that they received a copy of the notice. At a minimum, the notice will include: (1) all positions designated as Mandatory Reporters; (2) when and how a Mandated Reporter must report child abuse or suspected child abuse; and, (3) the ramifications for not reporting child abuse or suspected child abuse (*Appendix C*).

## **CHAPTER 2 Mandatory Reporting**

### **2.0 Introduction**

Public Law 101-630 (codified in 25 U.S.C. 3203 § 1169) and Public Law 101-647 (codified in 42 U.S.C. § 13031) require that specific individuals working in fields that come into contact with children who know or have a reasonable suspicion that a child was abused in Indian country, Federal land or federally operated facility must immediately report such abuse.

### **2.1 Positions Designated as Mandatory Reporters**

The following are the positions that are designated as Mandatory Reporters within BIE:

- Teachers
- School counselors
- Instructional aides
- Teacher's aides
- Teacher's assistants
- Bus drivers
- Administrative officers
- Child welfare and attendance supervisors
- Truancy officers
- Child day care workers
- Psychiatrists
- Psychologists
- Psychological assistants
- Licensed or unlicensed marriage, family, or child counselors

Additional Mandated Reporters that may have an impact on BIE positions include:

- Nurses/physicians/surgeons
- Dentists/dental hygienists
- Optometrists
- Medical examiners
- EMTs/paramedics
- Health care providers
- Head Start teachers
- Public assistance workers
- Group home, day care, Home Living Staff
- House parent/dorm staff
- Social workers
- Mental health personnel
- Law enforcement officers
- Probation officers
- Juvenile rehabilitation or detention workers
- Personnel responsible for enforcing laws and judicial orders
- School Board members

**2.1.A. Persons engaged in the following professions and activities are also subject to the mandatory reporting suspected child abuse:**

- Alcohol or drug treatment personnel;
- Persons performing a healing role or practicing the healing arts;

- Guidance personnel;
- School officials, i.e., anyone who has management oversight of a school; and
- School administrators, i.e., anyone working in an official capacity at a school

2.1.B. In addition to the positions and activities specifically identified in the above sections, all Federal employees and contractor employees within BIE have a *duty to report* any suspicion of child abuse for any Indian child for whom they have a responsibility.

## 2.2 Reporting Requirements

Mandated Reporters who learn of facts that give reason to suspect that a child has suffered an incident of child abuse; know, or have a reasonable suspicion that a child was abused in Indian Country; or know that actions are being taken, or will be taken that would reasonably be expected to result in the abuse of a child in Indian country, MUST immediately contact local law enforcement and local child protective services when the alleged offender is a non-employee. In contrast, when the alleged offender is an employee, it is filed **only** with law enforcement. The Indian Country Child Abuse Hotline, 1-800-633-5155, is an additional source for reporting but is considered last resort, only after contact with local authorities are unsuccessful.

## 2.3 Failure to Report

Mandated Reporters who, while engaged in a professional capacity or activity on Federal land or in federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, as defined in Public Law 101-630 and Public Law 101-647, and fails to make a timely report as required, shall be guilty of a Class B misdemeanor. The person may also be fined up to \$5,000 and/or imprisoned up to 6 months.

Any supervisor or person in authority who inhibits or prevents a Mandated Reporter from making a report may be fined up to \$5,000 and/or imprisoned up to 6 months.

In instances where it has been determined that a BIE employee has failed to report child abuse as required, BIE management will take the necessary action to include removal. BIE management will also take action against employees who fail to report child abuse in a timely manner. Timely is defined as within the timeframes established in Chapter 6.

## **Chapter 3: Types of Abuse**

### **3.0 Introduction**

Child abuse can take many forms; however, there are four major types of abuse that must be reported. When completing a SCAN Report it is crucial that the individual completing the report indicates the *specific type of abuse* for which they have knowledge or suspicion. For reporting purposes, any knowledge of or suspicion of sexual abuse, physical abuse, emotional abuse, or physical and/or emotional neglect, must be documented and reported to local law enforcement and child protective services immediately.

Public Law 101-630 and Public Law 101-647 define 'abuse' as follows:

#### **3.1 *Public Law 101-630 Definitions***

Any case in which a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and such conditions that are not justifiably explained or may not be the product of an accidental occurrence; and any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution.

Child abuse includes child neglect and is not limited to negligent treatment or maltreatment of a child by a person, including a person responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened. A 'child' is defined as an individual that is not married, and has not attained 18 years of age.

#### **3.2 *Public Law 101-647 Definitions***

The term "child abuse" means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child. The term "child abuse" shall not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty. Additionally, the following definitions are provided:

- The term "physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;
- The term "mental injury" means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition;
- The term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;
- The term "sexually explicit conduct" means actual or simulated – (1) sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person; (2) bestiality; (3) masturbation; (4) lascivious exhibition of the genitals or pubic area of a person or animal; or (5) sadistic or masochistic abuse;
- The term "exploitation" means child pornography or child prostitution;
- The term "negligent treatment" means the failure to provide, for reasons other than poverty,

adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child.

### 3.3 Reportable Incidents

BIE established two distinct categories for reporting: SCAN and Employee Incident Report.

3.3.A. **SCAN** - Where it is clear that abuse or suspected abuse has occurred **to a child by an adult** and the circumstances meet the definition of child abuse and/or the circumstance poses an immediate danger, or short-term threat, to a child. Such incidents include but are not limited to:

- Any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, sexually explicit conduct, or prostitution;
- Evidence of physical injury such as severe skin bruising and/or bleeding after being struck, thrown, or treated inappropriately;
- Evidence of burns, fracture of any bone, subdural hematoma (head injuries), soft tissue swelling, and/or such conditions that are not justifiably explained or may not be the product of an accidental occurrence;
- Confirmed or suspected malnutrition or failure to thrive;
- Confirmed or suspected fighting, threatening, or inflicting bodily harm on a child;
- Any situation that is comparable in nature to the examples and situations identified above.

When an allegation of *sexual abuse* has been raised where the alleged offender is another student, it is filed immediately as a SCAN report. All other child-on-child incidents are addressed in accordance with the previously established procedures at the school.

Allegations that are not clear that they meet the definition of "abuse" and/or the circumstance poses a near- or long-term threat to a child, which may include physical contact, are also considered SCAN reports. They include but are not limited to:

- Corporal punishment, defined as punishment administered by an adult to the body of a child ranging in severity from a slap to a spanking;
- Incidents of unwarranted grabbing or pushing a child, grabbing a child by their clothing, assaulting a child, or pulling a child's hair in such a way that is harmful and/or intentional.
- Lack of parental supervision/care:
  - Child appears to be treated in a neglectful way such as clothing inappropriate for weather conditions; lack of shelter and/or needed medical/dental care;
  - School-age child (1<sup>st</sup> – 6<sup>th</sup> grade) left without adequate supervision for extended periods during day or night such as periods exceeding 2 hours or overnight (time of day and reason child is left alone must be taken into consideration) -- this could apply to students in the dormitory.
  - Pre-school child left without any supervision.

**Note: Incidences that ensure a child's safety are considered "safety measures" therefore are not reportable offenses.**

3.3.B. **Employee Incident Report** – Actions by an employee, volunteer, contractor or consultant where no physical contact is indicated but is verbal and/or emotional in nature. This includes but is not limited to:

- Discourteous conduct involving a student, such as using inappropriate language, making inappropriate comments of a non-sexual manner, calling names, insulting or humiliating a child, shouting, cursing, etc.
- If a bargaining unit employee is examined by a member of management and he or she reasonably believes such examination may result in discipline, he or she is entitled to exercise his or her Weingarten rights in accordance with Article 4 section 4 of the collective bargaining agreement.

62 BIAM 9.12..."Corporal punishment of all kinds, and solitary confinement, or anything which smacks of imprisonment calculated to bring shame and humiliation upon pupils, is prohibited and may be made the basis for charges with a view to possible dismissal".

3.3.C. Other incidents that do not meet the definition of child abuse but are criminal in nature should be reported **directly to** local law enforcement. If employees are involved in such incidents they shall be reported in writing via an interoffice memorandum to the Program Specialist. The Employee/Labor Relations office will be advised accordingly. Examples of criminal incidents include, but are not limited to:

- Confirmed or suspected drinking with, transferring, or selling intoxicants to children on or off BIE/government premises;
- Confirmed or suspected transferring or selling marijuana, narcotics, or dangerous drugs to children on or off BIE/government premises;
- Confirmed or suspected transferring or selling prohibited items such as cigarettes to children on or off BIE/ government premises;
- Any situation that is comparable in nature to the examples and situations identified above.

## **Chapter 4 Child Abuse Reporting Summary**

### **4.0 Introduction**

It is mandated that all knowledge of or suspected child abuse be reported to the respective local law enforcement agency **and** child protective services when the alleged offender is a **non-employee**. When the alleged offender is an employee, the SCAN report will be filed with law enforcement officials **only**.

### **4.1 Reporting Format – SCAN Report**

The *Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol* is the referenced material used for reporting incidents of suspected child abuse within the BIE. “Report” will be referred to as the “SCAN Report” (*Appendix D*); electronic forms are available on the BIE website. A report of suspected abuse is the equivalent to a request for an investigation by local law enforcement and/or child protective services. The formal investigation is the lawful assessment by an authorized agency to determine if harmful condition(s) exist involving a minor and what emergency action should be undertaken for the safety of the child. The BIE’s role is to ensure the suspected child abuse is reported in a manner that is clear and accurate so an investigation is initiated without delay.

When a SCAN Report is filed, it is critical that the report be filed in its most complete and accurate form and all appropriate notifications are made accordingly and immediately. Of equal importance is the action taken after the SCAN Report has been filed. Depending on the allegation and its seriousness, some action may be taken simultaneously to completing the SCAN Report.

A SCAN Report will be completed after a Mandated Reporter learns of facts that give reason to suspect that a child has suffered an incident of child abuse. The Mandated Reporter does not have to provide proof that child abuse occurred. Instead, a clear and concise description of the behavior or physical signs that led them to suspect abuse must be documented on the SCAN reporting form and submitted. Persons who make a report of child abuse based upon their reasonable belief and in good faith are immune from civil and criminal liability.

The mandated reporter will contact their immediate supervisor, first and foremost; then, coordinate with that supervisor to complete the report within the mandated reporter’s regularly scheduled workday. The SCAN Report must be submitted to the BIE SCAN Office within the established timeframes. This includes those reports that are non-staff related. The timeframes for reporting are identified in Chapter 6 as well as specific instructions on how to complete the SCAN Report.

In the event the alleged offender is the mandated reporter’s immediate supervisor, or if the Mandated Reporter has concerns about reporting directly to their immediate supervisor, the SCAN Report can be filed directly with the BIE SCAN Office.

### **4.2 Reporting Format – Employee Incident Report**

The Employee Incident Report form (*Appendix E*) is used to document non-physical incidents involving employee(s), volunteers, contractors and consultants. The Principal/Administrator will intervene immediately to establish the validity of the report and resolve the issue(s) at the lowest level as expeditiously as possible no later than two (2) business days. A copy of the initial Employee Incident Report with follow-up information must be submitted to the Program Specialist immediately.

In the event the alleged offender is the mandated reporter's immediate supervisor, or, if the Mandated Reporter has concerns about reporting directly to the immediate supervisor, the Employee Incident Report may be filed directly with the BIE SCAN Office.

#### 4.3 Administrative Reporting Responsibilities

- A. The Program Specialist will review the merits of the incident and confirm the appropriate type of abuse as indicated; maintain the designated tracking database; take appropriate follow-up action and serve as the point-of-contact for Child Protective Services, Law Enforcement, ERC, School Safety Specialists and others as appropriate. .
- B. The Education Program Administrator (EPA) will ensure that the proper authorities are notified within the time frame noted and the appropriate actions are taken.
- C. The Employee/Labor Relations, designated, in concert with local management, will assist with an assessment whether the incident affects the employee's status. Follow-up action will be recommended and carried out accordingly. Grant-Contract Schools may coordinate with their respective Human Resource rules and staff to ensure appropriate determination is made and/ intervention is established. *The Suspected Child Abuse and Neglect (SCAN) and Employee Incident Reporting Protocol (Revised)* is the recommended guide for reporting.

#### 4.4 Confidentiality

All cases of child abuse shall be treated within the guidelines of Federal laws protecting children, employees, and all parties involved. ***Confidentiality must be a priority throughout the process.*** The mandated reporter may remain anonymous.

A SCAN Report must be completed and filed to document that a Mandated Reporter did not fail to report child abuse. The mandated reporter may indicate whether they want their identity protected and initial their intent in the appropriate section of the reporting form. The identity of all reported victims must always be protected and not be disclosed to anyone who does not have a "Need to Know". Individuals who have a "Need to Know" are limited to the Mandated Reporter, direct supervisors, the school Principal/Administrator, Employee/Labor Relations, the Program Specialist, School Safety Specialists, Associate Deputy Director (ADD), Law Enforcement, and Child Protective Services.

All SCAN Reports are considered "*Administratively Restricted*". Distribution, copying, or unauthorized use of the information contained in the SCAN Report file is strictly prohibited. An investigative agency (law enforcement or social services) may provide information, records and the name of the reporter without written consent to a court of competent jurisdiction or an employee of a tribe, state or the Federal Government who "Need to Know" the information in the performance of his/her duties.

If the principal/administrator contacts the parent/legal guardian regarding a report involving an employee, the information will be limited to a brief statement regarding the allegation and instruction that the appropriate procedures related to investigating are being addressed by law enforcement and/or the administrator as appropriate.

If/when a copy of a SCAN report is requested by an entity other than law enforcement or child protective services, the BIE SCAN Office will make the necessary distribution in accordance with established Release of Information Rules and Regulations.

#### 4.5 Bad Faith Reporting

An employee, volunteer, contractor or consultant who knowingly files a false report will be addressed accordingly by the appropriate management official. Where a conflict-of-interest arises between employees, the Principal/Administrator will intervene and take all proper action(s) to resolve the issue. There is no immunity from civil or criminal liability for Bad Faith Reporting and associated action.

#### 4.6 Protection of Involved Child

All arrangements for placement of a child away from his/her parent or legal guardian shall only be made by law enforcement and/or child protective services. Depending on the seriousness, such instruction from local law enforcement or child protective services may include but not be limited to, medical attention, counseling services, removal or protective placement, contacting relatives, etc.

#### 4.7 Mandatory Segregation

##### A. SCAN Report

1. An employee who is named as alleged offender in a SCAN report will immediately be removed from contact with or control over all children. Such removal can be addressed in one of two options, a) Re-assignment or b) Administrative Leave.
  - a. For the duration of the investigation by law enforcement, the alleged offender may be re-assigned to another location away from contact with children.
  - b. Where reassignment is not feasible, the employee may be placed on Administrative Leave until the appropriate clearance is established. When an employee is placed on Administrative Leave, they will be advised that they must be available **during normal business hours** for contact by local law enforcement and/or the respective Principal/Administrator, unless appropriate Leave has been requested and approved. As such, the employee/alleged offender must provide contact information to the principal/administrator. It is recommended that the Principal/Administrator coordinate closely with the respective Employee/Labor Relations personnel when this option is exercised.

##### B. Employee Incident Report

Segregation is not mandatory; it is based on circumstances and at the discretion of the Principal/Administrator.

A non-employee with a BIE agreement or contract, such as a contractor, volunteer, or consultant, who is named as the alleged offender will immediately be removed from and remain away from contact with or control over all children until the incident is resolved. The individual will be advised that they must be available for contact by local law enforcement, child protection services and/or the Principal/ Administrator as part of the post report process. As such, the employee/alleged offender must provide contact information to the principal/administrator.

#### 4.8 Notification to Alleged Offender

An employee against whom an allegation of child abuse has been raised must be notified in writing at the time a report is filed, of the allegation and the resulting actions. The **Notification to Alleged Offender** for SCAN (Appendix G) **and** Employee Incident (Appendix H) will include the following:

- Date of the SCAN Report
- The type of abuse alleged
- A brief summary of the allegation

The employee will sign the document acknowledging he/she was informed of the report's filing and the school Principal/Administrator will sign the document as the issuer. A copy of the **Notification to Alleged Offender** will be provided to the BIE Program Specialist **by the close of business** of the report's filing.

Non-employees with BIE agreements or contracts such as volunteers, contractors or consultants, who are named alleged offenders, must also be notified in writing of the allegation via the **Notification to Alleged Offender** and meet the same requirements of above.

#### 4.9 Notification of Case Closure

The **Notification of Case Closure** for SCAN (Appendix J) & Employee Incident (Appendix K) will be issued by the Principal/Administrator to the employee only after the appropriate investigation has been completed by law enforcement or school Principal/Administrator, respective of the type of report. The notification will be issued to the employee, in person, so the Principal/Administrator can review the contents of the notification with the employee. The employee will sign a receipt page to document that they acknowledge this action. The school Principal/Administrator will also sign the document as the issuer. A copy of the **Notification of Case Closure** will be forwarded to the Program Specialist **by close of business** of the report's closure. This final action closes the case.

Note: If corrective action is determined, it is the responsibility of the Principal/Administrator, in conjunction with Employee/Labor Relations, to ensure these action(s) are carried out. If this action is related to the SCAN or an Employee Incident reporting process, documentation may be provided to the Program Specialist as it relates to the matter.

#### 4.10 Continuous tracking of SCAN Reports through closure

The BIE SCAN Office is responsible for tracking SCAN and Employee Incident Reports through closure. Upon initial receipt of such reports, this office will log the reports into the tracking database and monitor it on a continual basis.

## **Chapter 5 Reporting Procedures**

5.0 The following information outlines procedures in SCAN and Employee Incident reporting.

### **5.1 SCAN Reports involving a BIE Employee**

- A. When a SCAN is identified, all pertinent information will be obtained by the mandated reporter; the employee who made the initial contact and who has the information first-hand from the child. The employee, working with the Principal/Administrator will ensure that pages 1 through 4 of the SCAN Report are completed thoroughly by close of business after the disclosure. Each reporting form must include child's demographic information [e.g., birthdate, parents' name(s); location of home, contact numbers, etc.].
- B. The Principal/Administrator shall ensure that the two (2) designated agencies, law enforcement and BIE SCAN Office, are notified **within one hour**:
  1. Local law enforcement
    - a. The Principal/Administrator must ensure Page 4 of Appendix D (Tracking of Notifications) is thoroughly completed; it clearly indicates specific contact information for law enforcement and child protective services, e.g., Name of the person contacted; their title, telephone number, and the date and time of the notification. .
    - b. The SCAN Report is faxed immediately to this agency using the SCAN Cover Sheet (Appendix I)
  2. A copy of the completed reporting form and supplemental data as attachments will be submitted to the BIE SCAN Office **by close of business after** law enforcement has been notified
- C. The BIE SCAN Office will notify the respective Employee/Labor Relations office (BIE) by close of business the same day by providing a copy of the SCAN Report and its attachments for the appropriate advice/consultation.
- D. The Employee/Labor Relations Office may contact the Principal/Administrator and advise them of the appropriate action necessary for the employee. The employee's official security file may be accessed and an assessment completed regarding whether the incident affects the employee's suitability to be in contact with children.
- E. The BIE SCAN Office will inform the School Safety Specialists who will, in turn, inform the respective EPA/ADD of the report **within 24 hours**.
- F. Upon completion of all notifications, the Principal/Administrator will maintain the official SCAN report until such time they are released to the BIE SCAN Office for official storage.
- G. The Principal/Administrator will issue the ***Notification to Alleged Offender*** (Appendix G) to an employee/alleged offender **by close of business** on the day of the report's filing. It is recommended that the employee/alleged offender, first, be considered for re-assignment to a position where he/she has no contact with children. If not feasible, the employee/alleged offender may be placed on Administrative Leave, in consultation with Employee/Labor Relations personnel. The written notification addresses the allegation and the resulting actions to occur. The resulting actions refer to the mandatory

segregation and the possibility that the SCAN Report may result in action that may impact their employment and/or their suitability to work with children. The employee will sign a receipt page to document that they were informed of this notice and the Principal/Administrator will also sign the document as the issuer. A copy of the ***Notification to Alleged Offender*** will be submitted to the Program Specialist **by close of business** on the day of the report's filing.

- H. The Program Specialist is the ***only*** Point of Contact with Law Enforcement and all Child Protective Service Agencies regarding reports.
- I. As the Point of Contact, the Program Specialist will coordinate with the respective law enforcement official beginning upon submission of the SCAN report to that agency and for the duration of its investigation.
- J. At the completion of an investigation, if law enforcement's documentation reflects the allegations as unsubstantiated and the investigation is closed, the Program Specialist will inform the Principal/Administrator verbally and in writing. The Principal/Administrator will begin the process of returning the employee to his/her Position of Record by close of business, or the day after notice is given. If administrative action is deemed necessary for employee misconduct, Employee/Labor Relations personnel and the Principal/Administrator will consult and assist with determining all applicable actions. The employee's conduct, although it may not have risen to the level of a violation of law, it may still have impact on the individual's suitability to have contact with children. However, this impending determination and action should not hinder an employee's return to duty which should occur within the timeframe noted above.
- K. At the completion of an investigation, if law enforcement's documentation references prosecution as likely or imminent, the Program Specialist will inform the Principal/Administrator verbally and in writing. The employee will remain in re-assignment capacity or on Administrative Leave until the filing of formal charges or a written declination is received. Upon receipt of written notice that the individual has been indicted or otherwise officially charged with an offense, the necessary final action will be taken by the Principal/Administrator in conjunction with Employee/Labor Relations.
- L. The Principal/Administrator will issue a ***Notification of Case Closure*** (Appendix J) to the employee/alleged offender by the close of business or within 24 hours. The notification will be issued in person so the contents of the notification can be reviewed with the employee. The employee will sign a receipt page to acknowledge closure of the SCAN Report. The Principal/Administrator will also sign the document as the issuer. A copy of the notification will be submitted to the Program Specialist by the close of business. Employee/Labor Relation personnel and the respective School Safety Specialist will be advised of official closure via receipt of the ***Notification of Case Closure*** from the BIE SCAN Office on the same day of its receipt. If administrative or proactive action is proposed, or corrective action is required, it is the responsibility of the Principal/Administrator to ensure these action(s) are carried out with documentation submitted to the Program Specialist if/when it is related to the SCAN reporting process.

- M. When the SCAN Report is closed the Principal/Administrator will submit the official file to the BIE SCAN Office which serves as the official repository for files. This record will include:
1. SCAN report (pages 1-4);
  2. ***Notification to Alleged Offender***,
  3. ***Notification of Case Closure***
  4. Employee's/Alleged Offender's written statement, date & signed
  5. Victim's & Witness written statements, dated & signed

- N. If a temporary file, also known as suspense file exists at the school, the Principal/Administrator will ensure it is submitted to the Program Specialist (SCAN) for final disposition.

## 5.2 *SCAN Reports involving a non-BIE Employee*

When a SCAN case is identified, all information regarding the report will be obtained by the mandated reporter, the employee who made the initial contact with the child and who has the information first-hand. The employee, working with the Principal/Administrator, will ensure that pages 1 through 4 of the SCAN report are completed within 24 hours after the disclosure. Each report must include child's demographic information [e.g., birthdate, parents' name(s); location of home, contact numbers, etc.].

1. The Principal/Administrator along with the Mandated Reporter will ensure all three (3) agencies, law enforcement, child protective services and BIE SCAN Office, are notified **within one hour**:
  1. Local law enforcement **and** child protective services
    - a. The Principal/Administrator must ensure Page 4 of Appendix D (Tracking of Notifications) is thoroughly completed; it clearly indicates specific contact information for law enforcement and child protective services, e.g., name of the person contacted, their title, telephone number and the date and time of the notification. .
    - b. The SCAN Report is faxed immediately to these agencies using the SCAN Cover Sheet (Appendix I)
  2. A copy of the completed form and supplemental data attached will be submitted to the BIE SCAN Office **by close of business, after** law enforcement and child protective services have been notified.
  3. Upon completion of all notifications, the Principal/Administrator will maintain the official SCAN Report until such time it is released to the BIE SCAN Office for official storage.
  4. Follow-up for Non-Employees (Volunteers, Contractor/Consultants) - A copy of the report will be forwarded to the BIE Program Specialist for logging/tracking, further review and the appropriate action. Copies may be forwarded to the Contracting Officer for advice and consultation regarding appropriate administrative action as necessary.

5.3 *SCAN Reports involving a Grant-Contract School Employee*

- A. Tribally-controlled grant school whose governing body has formally adopted the BIE *Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol* will adhere to all procedures as outlined above.
- B. Tribally-controlled grant schools whose governing body has not formally adopted the BIE *Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol* may use this document as a guide. Tribally-controlled grant schools may notify the BIE SCAN Office and submit a copy of the SCAN report.

5.4 *Employee Incident Reports*

- A. When an Employee Incident is identified, all pertinent information will be obtained by the mandated reporter; the employee who made the initial contact and who has the information first-hand from the child. The employee, working with the Principal/Administrator, will ensure that the two-page report is completed thoroughly **by close of business** after the disclosure. Each reporting form must include child's demographic information (e.g., birthdate, parents' name(s); location of home, contact numbers, etc.).
- B. The Principal/Administrator will submit a copy of the completed form and supplemental data to the Program Specialist **by close of business**.
- C. The BIE SCAN Office will notify the respective Employee/Labor Relations office (BIE) by close of business the same day by providing a copy of the Employee Incident Report for appropriate advice/consultation.
- D. The Employee/Labor Relations Office may contact the Principal/Administrator and advise them of the appropriate action necessary for the employee. The employee's official security file may be accessed and an assessment completed regarding whether the incident affects the employee's suitability to be in contact with children.
- E. The BIE SCAN Office will inform the School Safety Specialists who will, in turn, inform the respective EPA/ADD of the report within 24 hours.
- F. Upon completion of notification to the BIE SCAN Office, the Principal/Administrator will maintain the official SCAN Report until such time they are released to the BIE SCAN Office for official storage.
- G. The Principal/Administrator will issue the ***Notification to Alleged Offender*** (Appendix H) to an employee/alleged offender **by close of business** on the day of the report's filing. The written notification addresses the allegation and the resulting actions. The resulting actions refer to possible segregation and the possibility that the Employee Incident Report may result in action that may impact their employment and/or their suitability to work with children. The employee will sign a receipt page to document that they were informed of this notice and the Principal/Administrator will also sign the document as the issuer. A copy of the ***Notification to Alleged Offender*** will be submitted to the BIE SCAN Office **by close of business** on the day of the report's filing.
- H. The Principal/Administrator will investigate the incident and determine if the allegations are substantiated. If the finding is unsubstantiated the employee will be returned to his/her Position of Record before the close of business. Consultation with

Employee/Labor Relations may be necessary. If administrative action is required for employee misconduct, it will be addressed accordingly. The employee's conduct may still have impact on the individual's suitability to be in contact with children.

- I. The Principal/Administrator will issue a **Notification of Case Closure** (Appendix K) to the employee/alleged offender by the close of business, or within 24 hours. The notification will be issued in person so the contents of the notification can be reviewed with the employee. The employee will sign a receipt page to acknowledge closure of the Employee Incident Report. The Principal/Administrator will also sign the document as the issuer. A copy of the notification will be submitted to the Program Specialist **by the close of business**. Employee/Labor Relations and the respective School Safety Specialist will be advised of official closure via receipt of the **Notification of Case Closure** from the BIE SCAN Office on the same day of its receipt. If administrative or proactive action is proposed, or corrective action is required, it is the responsibility of the Principal/Administrator to ensure these action(s) are carried out with documentation submitted to the Program Specialist if/when it is related to the Employee Incident reporting process.
- J. When the SCAN Report is closed the Principal/Administrator will submit the official file to the BIE SCAN Office which serves as the official repository for files. This record will include:
  1. Employee Incident Report [two pages];
  2. **Notification to Alleged Offender**,
  3. **Notification of Case Closure**
  4. Employee's/Alleged Offender's written statement, date & signed
  5. Victim's & Witness written statements, dated & signed
- K. If a temporary file, also known as suspense file exists at the school, the Principal/Administrator will ensure it is submitted to the Program Specialist (SCAN) for final disposition.

#### 5.5 *Employee Incident Reports involving Non-BIE employee*

The Principal/Administrator will establish an official file for the Employee Incident Report involving non-BIE employees. The Principal/Administrator will take appropriate action for all students, volunteers, or others that were alleged to have been involved in an Incident. All documentation must be made a permanent part of the official file. The Employee Incident Report will remain open until resolution is made and documented.

A copy of the recommendations will be forwarded to the BIE SCAN Office. The BIE Program Specialist will review the information and take appropriate action as necessary. Copies may be forwarded to the Contracting Officer for advice and consultation regarding appropriate administrative action as deemed necessary.

## **CHAPTER 6      Training**

6.0 Introduction. Various forms of training will be provided to employees on a regularly scheduled basis to ensure compliance with child protection procedures such that all employees understand their responsibilities as mandated reporters.

6.1 Awareness Training. Every employee will receive the Responsibility Acknowledgement Form (Appendix C) or other documentation advising them of requirements regarding their mandatory roles and responsibilities, reporting procedures, penalties for non-reporting, etc. New employees will receive this information immediately upon hire, before beginning contact with children, and annually thereafter.

6.2 Mandated Reporters. All employees whose positions have been designated as mandatory reporters must attend annual re-orientation each academic year on the requirements of this designation. Attendance is mandatory and will be documented with employee signature of attendance rosters and certificates can be issued by principals/administrators. The documentation of attendance will be maintained by the Principal/Administrator and made available to the BIE SCAN Office upon request. If an employee refuses to attend such training, the appropriate corrective action will be taken.

6.3 Supervisory Positions. All school supervisors/administrators must attend trainings pertaining to mandated reporter requirements and responsibilities of supervisors. This includes proper completion of SCAN Reports and the follow-up procedures, upon their hire and annually thereafter, and prior to each academic year. Supervisors will then be qualified to administer training to employees on mandated reporter requirements. Attendance is mandatory and will be documented accordingly. Training documentation will be maintained by the Principals/Administrators for schools and the Deputy Director's Office for agencies and made available to the BIE SCAN Office upon request. If an employee refuses to attend such training, the appropriate corrective action will be taken.

## **Appendix A**

Public Law 101-630, as amended, (Codified in 25 United States Code 3203, § 1169), *Indian Child Protection and Family Violence Prevention Act, as amended*

## **Sec. 3203. - Reporting procedures**

**(a)** Omitted

**(b)** Notification of child abuse reports

**(1)** When a local law enforcement agency or local child protective services agency receives an initial report from any person of -

**(A)** the abuse of a child in Indian country, or

**(B)** actions which would reasonably be expected to result in abuse of a child in Indian country, the receiving agency shall immediately notify appropriate officials of the other agency of such report and shall also submit, when prepared, a copy of the written report required under subsection (c) of this section to such agency.

**(2)** Where a report of abuse involves an Indian child or where the alleged abuser is an Indian and where a preliminary inquiry indicates a criminal violation has occurred, the local law enforcement agency, if other than the Federal Bureau of Investigation, shall immediately report such occurrence to the Federal Bureau of Investigation.

**(c)** Written report of child abuse

**(1)** Within 36 hours after receiving an initial report described in subsection (b) of this section, the receiving agency shall prepare a written report which shall include, if available -

**(A)** the name, address, age, and sex of the child that is the subject of the report;

**(B)** the grade and the school in which the child is currently enrolled;

**(C)** the name and address of the child's parents or other person responsible for the child's care;

**(D)** the name and address of the alleged offender;

**(E)** the name and address of the person who made the report to the agency;

**(F)** a brief narrative as to the nature and extent of the child's injuries, including any previously known or suspected abuse of the child or the child's siblings and the suspected date of the abuse; and

**(G)** any other information the agency or the person who made the report to the agency believes to be important to the investigation and disposition of the alleged abuse.

**(2)** **(A)** Any local law enforcement agency or local child protective services agency that receives a report alleging abuse described in section 3202(3) ~~11~~ of this title shall immediately initiate an investigation of such allegation and shall take immediate, appropriate steps to secure the safety and well-being of the child or children involved.

**(B)** Upon completion of the investigation of any report of alleged abuse that is made to a local law enforcement agency or local child protective services agency, such agency shall prepare a final written report on such allegation.

**(d)** Confidentiality of informant

The identity of any person making a report described in subsection (b)(1) of this section shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or an employee of an Indian tribe, a State or the Federal Government who needs to know the information in the performance of such employee's duties

**Sec. 2258. - Failure to report child abuse**

A person who, while engaged in a professional capacity or activity described in subsection (b) of section 226 of the Victims of Child Abuse Act of 1990 on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, as defined in subsection (c) of that section, and fails to make a timely report as required by subsection (a) of that section, shall be guilty of a Class B misdemeanor

## **Appendix B**

Public Law 101-647, (Codified in 42 United States Code 13031), *Crime Control Act of 1990, Subchapter IV – Child Abuse Reporting*

## **Sec. 13031. - Child abuse reporting**

### **(a) In general**

A person who, while engaged in a professional capacity or activity described in subsection (b) of this section on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse to the agency designated under subsection (d) of this section.

### **(b) Covered professionals**

Persons engaged in the following professions and activities are subject to the requirements of subsection (a) of this section:

- (1)** Physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists, podiatrists, emergency medical technicians, ambulance drivers, undertakers, coroners, medical examiners, alcohol or drug treatment personnel, and persons performing a healing role or practicing the healing arts.
- (2)** Psychologists, psychiatrists, and mental health professionals.
- (3)** Social workers, licensed or unlicensed marriage, family, and individual counselors.
- (4)** Teachers, teacher's aides or assistants, school counselors and guidance personnel, school officials, and school administrators.
- (5)** Child care workers and administrators.
- (6)** Law enforcement personnel, probation officers, criminal prosecutors, and juvenile rehabilitation or detention facility employees.
- (7)** Foster parents.
- (8)** Commercial film and photo processors.

### **(c) Definitions**

For the purposes of this section -

- (1)** the term "child abuse" means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child;
- (2)** the term "physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;
- (3)** the term "mental injury" means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition;
- (4)** the term "sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;
- (5)** the term "sexually explicit conduct" means actual or simulated -
  - (A)** sexual intercourse, including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or of opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify sexual desire of any person; **(B)** bestiality;
  - (C)** masturbation;
  - (D)** lascivious exhibition of the genitals or pubic area of a person or animal; or
  - (E)** sadistic or masochistic abuse;
- (6)** the term "exploitation" means child pornography or child prostitution;
- (7)** the term "negligent treatment" means the failure to provide, for reasons other than poverty,

adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child; and

(8) the term "child abuse" shall not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

**(d) Agency designated to receive report and action to be taken**

For all Federal lands and all federally operated (or contracted) facilities in which children are cared for or reside, the Attorney General shall designate an agency to receive and investigate the reports described in subsection (a) of this section. By formal written agreement, the designated agency may be a non-Federal agency. When such reports are received by social services or health care agencies, and involve allegations of sexual abuse, serious physical injury, or life-threatening neglect of a child, there shall be an immediate referral of the report to a law enforcement agency with authority to take emergency action to protect the child. All reports received shall be promptly investigated, and whenever appropriate, investigations shall be conducted jointly by social services and law enforcement personnel, with a view toward avoiding unnecessary multiple interviews with the child.

**(e) Reporting form** In every federally operated (or contracted) facility, and on all Federal lands, a standard written reporting form, with instructions, shall be disseminated to all mandated reporter groups. Use of the form shall be encouraged, but its use shall not take the place of the immediate making of oral reports, telephonically or otherwise, when circumstances dictate.

**(f) Immunity for good faith reporting and associated actions**

All persons who, acting in good faith, make a report by subsection (a) of this section, or otherwise provide information or assistance in connection with a report, investigation, or legal intervention pursuant to a report, shall be immune from civil and criminal liability arising out of such actions. There shall be a presumption that any such persons acted in good faith. If a person is sued because of the person's performance of one of the above functions, and the defendant prevails in the litigation, the court may order that the plaintiff pay the defendant's legal expenses. Immunity shall not be accorded to persons acting in bad faith.

**(g) Omitted**

**(h) Training of prospective reporters**

All individuals in the occupations listed in subsection (b)(1) of this section who work on Federal lands, or are employed in federally operated (or contracted) facilities, shall receive periodic training in the obligation to report, as well as in the identification of abused and neglected children

## **Appendix C**

### **Responsibility Acknowledgement Form**

## **CHILD ABUSE/NEGLECT REPORTING AND MANDATED REPORTERS IN THE BUREAU OF INDIAN EDUCATION**

Each BIE employee, and volunteer, contractor and consultant, will receive notice of their responsibilities as a Mandated Reporter of child abuse upon initial employment and annually thereafter.

This document contains the requirement for employees to receive written information regarding their responsibilities as Mandated Reporters.

### **Mandated Reporters**

The following positions are designated as an impact on BIE Positions - Mandated Reporters within BIE:

- \* Teachers \* Nurses/Physicians/Surgeons
- \* School Counselors \* Dentists/Dental Hygienists
- \* Instructional Aides \* Optometrists
- \* Teacher's Aides \* Medical Examiners
- \* Teacher's Assistants \* EMTs/Paramedics
- \* Bus Drivers \* Health Care Providers
- \* Administrative Officers \* Head Start Teachers
- \* Child Welfare & Attendance Supervisors \* Public Assistance Workers
- \* Truancy Officers \* Group Home, Day Care, Residential Workers, Home Living staff
- \* Child Day Care Workers \* Social Workers
- \* Psychiatrists \* Mental Health Personnel
- \* Psychologists \* Law Enforcement Officers
- \* Psychological Assistants \* Probation Officers \*School Board Members
- \* Licensed or Unlicensed Marriage, Family \* Juvenile Rehabilitation or Detention Workers or Child Counselors \* Personnel responsible for enforcing laws and  
Judicial orders

Persons engaged in the following professions and activities are also subject to the mandated reporting of suspected child abuse: Alcohol or Drug Treatment Personnel; Persons performing a healing role or practicing the healing arts; Guidance Personnel; School officials (i.e., anyone who has management oversight of or at a school); and School Administrators, (i.e., anyone working in an official capacity at a school).

In addition to the positions and activities specifically identified above, all Federal employees, contractor employees within BIE have a duty to report any suspicion of child abuse for any child for which they have responsibility.

### **“FAILURE TO REPORT CHILD ABUSE”**

Mandated Reporters who fail to make a timely report as required, shall be guilty of a Class B misdemeanor. The person may also be fined up to \$5,000 and/or imprisoned up to 6 months in jail. Furthermore, any supervisor or person in authority who inhibits or prevents a Mandated Reporter from making a report may be fined up to \$5,000 and/or imprisoned up to 6 months in jail. In instances where it is determined that an BIE employee has failed to report child abuse as required, BIE management reserves the right to impose administrative and/or disciplinary action against the involved employees, up to and including removal.

**Public Law 101-630**, as amended (Codified in 25 USC 3203 § 1169), *Indian Child Protection and Family Violence Prevention Act*, requires that any person identified as a Mandated reporter who knows or has a reasonable suspicion that a child has been abused in Indian country, must report the information to the local protective services agency or local law enforcement agency. Further, if the Mandated reporter knows or has a reasonable suspicion that actions are being taken, or are going to be taken, that would reasonably be expected to result in the abuse of a child in Indian country he/she must report the information to the local child protective services agency or local law enforcement agency. Public Law 101-630 also specifically identifies positions designated as Mandated Reporters, outlines the penalties for Mandated reporters who fail to immediately report such abuse or actions described to proper authorities, and the penalties for supervisors, or those having authority over Mandated reporters, who prevent or inhibit a Mandated reporter from making the proper reports.

**Public Law 101-647**, (Codified in 42 USC § 13031), *Crime Control Act of 1990, Subchapter IV – Child Abuse Reporting*, requires that any person who, while in a professional capacity or activity on Federal land or in a federally operated (or contracted) facility learns of facts that give reason to suspect that a child has suffered an incident of child

abuse, shall as soon as possible make a report of the suspected abuse to the agency designated to receive the report.

Only if notification of local law enforcement and child protective services is not possible, the Indian Country Child Abuse Hotline (1-800-633-5155) can be notified.

BIE has established specific procedures and guidelines for mandated reporters to follow when reporting such information within BIE. Those procedures are found in the *BIE Suspected Child Abuse/Neglect (SCAN) & Employee Incident Reporting Protocol*. This Protocol is available from the Principal/Administrator or the BIE website.

I \_\_\_\_\_ received this Notification of Responsibilities on \_\_\_\_\_  
Print Name Date

\_\_\_\_\_ Employee Signature Date

\_\_\_\_\_  
Supervisor's Name – Print Supervisor's Signature Date

## **Appendix D**

### Suspected Child Abuse/Neglect (SCAN) Reporting Form



# Suspected Child Abuse/Neglect Report (SCAN)



Effective 7/18/18

		Report Date:	Report Time:	
<b>SCHOOL INFORMATION (Required)</b>				
1. Reporting School:		2. School Principal/Administrator or Designee:		
3. School Phone Number: (   )		4. School Principal/Administrator Phone Extension or Cell Phone Number:		
<b>PERSONAL INFORMATION OF VICTIM (Required)</b>				
5. Last Name:		First Name:	Middle Name:	
7. SSN:	8. DOB:	9. Age:	10. Grade: <b>SELECT GRADE</b>	
12. Check Suspected Abuse: <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Emotional Abuse <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Neglect (Basic needs – food, clothing, shelter) <input type="checkbox"/> Neglect (Medical) <input type="checkbox"/> Neglect (Educational)				
13. Describe the specific incident (do not leave blank):     				
14. Name of Parent(s) , Guardian, Custodian (Required):			15. Relation to Victim:	
16. Contact Telephone Number of Parents, Guardian, or Custodian: (   ) -				
17. Complete Mailing Address (Required):  ,		18. Physical Location of Residence (Required):  ,  (attach map, if applicable)		
<b>ALLEGED OFFENDER INFORMATION (Required):</b>				
19. Full Name of Alleged Offender (If a minor/peer, then indicate age or grade in box 20):			20. Alleged Offender's Position/Status (Required)  <input type="checkbox"/> BIE Employee <input type="checkbox"/> BIE Contractor/Consultant <input type="checkbox"/> Volunteer * <input type="checkbox"/> Relative (specify): _____ <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Student ** (age or grade)  ** Refer to school/agency policies and procedures for any alleged offenders under the age of 19 or classified as a student.	
21. If Employee, Position Title:				
22. If Employee, Contact Information for Alleged Offender: Cell phone number: (   ) -		Physical Location of Employee:		
23. Location of alleged incident:		24. Date of alleged incident:  25. Time of alleged incident:		
26. Full Names and telephone numbers of potential witness(es):				
<b>MANDATORY REPORT INFORMATION (Required):</b>				
27. Full Name and Title of Mandatory Reporter Reporting Above Incident:			28. Signature (Required): Date:	
29. Full Name of School Principal/Administrator or Designee:			30. Signature (Required): Date:	
31. Has Mandatory Reporter Requested Protection of their Identity? <input type="checkbox"/> YES <input type="checkbox"/> NO			32. Initials of Mandatory Reporter:	

**INFORMATION REGARDING THE INCIDENT**

(Please type or print clearly the following information.)

33. Describe how you became aware of the incident:

34. Describe the specific incident (continuation of Box 13, Page 1):

*(NOTE: Mandated Reporters do not have to prove abuse when making a report, but must describe the behavior or physical sign that led the Mandated Reporter to believe the child was abused.)*

35. Did the alleged abuser physically touch the victim in any way?

NO       YES      If yes, describe specifically the physical contact:

36. Was Medical Treatment Required?

NO       YES      If yes, indicate action taken:     Victim was taken for medical care by school staff for an evaluation and/or medical treatment  
 Ambulance was contacted for immediate medical attention.  
 Other. Explain action taken:

**ATTACHMENTS**

- Continuation pages, if required
  - Statement from victim, witness, alleged offender, etc.
  - Other (must describe attachment): \_\_\_\_\_
- 

**Distribution (Required):**

Original to SCAN Case File  
 Copies to Law Enforcement, Child Protective Services and BIE Program Specialist

## CONFIDENTIALITY AGREEMENT

**To be read and signed by Mandated Reporter**

In accordance with the Indian Child Protection and Family Violence Prevention Act, the identity of any person making a report of suspected child abuse or neglect shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or any employee of an Indian tribe, a State or the Federal Government who need to know the information in the performance of such employee's duties.

**By signing this agreement, I understand that:**

1. Confidentiality means that I cannot discuss any matter pertaining to any child abuse or neglect case, except as allowed by law. Pursuant to section 552a of Title 5, United States Code, the Family Education Rights and Privacy Act of 1974 (20 USC 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian Tribe, and State, or any Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal government shall be treated the same as other Federal Government entities.
2. The legal requirements of confidentiality mean that I cannot discuss any matter pertaining to the Suspected Child Abuse and/or Neglect Report I completed on this date with any member of my family, including parents, children, spouse, aunts, uncles, cousins, any school staff or with another person unless they are allowed access to such information by law.
3. If I do not keep substantiated and/or unsubstantiated child abuse and/or neglect cases confidential, I may be subject to disciplinary action up to and including termination of my job as allowed by tribal or federal law or BIE policies and procedures.

---

Signature of Mandated Reporter (**Required**)

Position/Title

Date

**Witnessed by:**

---

Signature of School Principal/Administrator or Designee (**Required**)

Date

**Tracking of Notifications**  
**Completed in its entirety**

Effective 7/18/18

<p>Note: Contact to Law Enforcement and Child Protective Services should be made immediately.          All contact is to be made verbally and followed-up in writing by faxing pages 1-4 of the SCAN Report.          Contact does not have to be made to all agencies identified under law enforcement or social services/child protective services, only those required for your school.</p>	
--	--

**LAW ENFORCEMENT NOTIFICATION** Only indicate actual law enforcement agency contacted (**Required**):

AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact (Required)	Written Contact (Required)
Tribal:	<input type="checkbox"/> Fax <input type="checkbox"/> Hand-delivered	(date) (time)	(date) (time)
BIA Law Enforcement:	<input type="checkbox"/> Fax <input type="checkbox"/> Hand-delivered	(date) (time)	(date) (time)
Local/State/Other:	<input type="checkbox"/> Fax <input type="checkbox"/> Hand-delivered	(date) (time)	(date) (time)

IF APPLICABLE, indicate the Law Enforcement Report/Case Number: \_\_\_\_\_

**SOCIAL SERVICES/CHILD PROTECTIVE SERVICES NOTIFICATION** Only indicate actual agency contacted (**Required**):

AGENCY CONTACTED	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact (Required)	Written Contact (Required)
Tribal:	<input type="checkbox"/> Fax <input type="checkbox"/> Hand-delivered	(date) (time)	(date) (time)
Local:	<input type="checkbox"/> Fax <input type="checkbox"/> Hand-delivered	(date) (time)	(date) (time)
State:	<input type="checkbox"/> Fax <input type="checkbox"/> Hand-delivered	(date) (time)	(date) (time)

**BIE NOTIFICATION** (**Required**):

	PERSON CONTACTED, TITLE AND TELEPHONE NUMBER	DATE & TIME OF REPORT	
		Verbal Contact (Required)	Written Contact (Required)
BIE Program Specialist	Michelle Begay      phone: (505) 563-5290      fax: (505) 563-5292	(date) (time)	(date) (time)

**SCAN TRACKING NOTES**

**\*Please do NOT attach fax transmission/confirmation sheets\***

Completed by: Name, Title

**INFORMATION ON PERSON MAKING NOTIFICATIONS** (**Required**):

Full Name and Title of Individual completing this page:  Name, Title      (e-mail address)	Date:
--	-------

## **Appendix E**

### **Employee Incident Report Form**

ADMINISTRATIVELY RESTRICTED

**Employee Incident Report**

Report Date: \_\_\_\_\_ Report Time: \_\_\_\_\_

Reporting School: \_\_\_\_\_ School Phone Number: \_\_\_\_\_

Name of Child: \_\_\_\_\_ Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Sex: SELECT GENDER Age: \_\_\_\_\_ Grade: SELECT GRADE Teacher: \_\_\_\_\_

Parent(s)/Legal Guardian(s) Names: \_\_\_\_\_

Address: \_\_\_\_\_

Location of Home (attach map, if applicable): \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work No. (Mother): \_\_\_\_\_ Work No. (Father): \_\_\_\_\_

Date of alleged incident: \_\_\_\_\_ Time of day: \_\_\_\_\_  AM  PM

Location of alleged incident: \_\_\_\_\_

**Check all that apply:**

- Discourteous conduct involving a student by an employee:
  - using inappropriate language;
  - making inappropriate comments of a non-sexual manner;
  - calling names insulting or humiliating a child;
  - shouting, cursing;
  - rude, boisterous play that adversely affect production, discipline, or morale of a student;
  - use of abusive, demeaning, degrading or insulting language;
  - quarreling or inciting a quarrel;
  - Other: \_\_\_\_\_

Describe in student's/staff's own words his/her account of event(s): \_\_\_\_\_

Full Name(s) of potential witness(es): \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Full Name of Alleged Offender: \_\_\_\_\_  
Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Check One:  BIE Employee Position Title: \_\_\_\_\_  
 BIE Contractor/Consultant  
 Other (specify): \_\_\_\_\_

Full Name and Title of Mandatory Reporter:	Signature (Required):	Date:
--	-----------------------	-------

Full Name of School Principal/Administrator or Designee:	Signature (Required):	Date:
--	-----------------------	-------

Has Mandatory Reporter Requested Protection of their Identity?  YES  NO

Initials of Mandatory Reporter: \_\_\_\_\_

## CONFIDENTIALITY AGREEMENT

### To be read and signed by Mandated Reporter

In accordance with the Indian Child Protection and Family Violence Prevention Act, the identity of any person making a report of suspected child abuse or neglect shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or any employee of an Indian tribe, a State or the Federal Government who need to know the information in the performance of such employee's duties.

### By signing this agreement, I understand that:

1. Confidentiality means that I cannot discuss any matter pertaining to any child abuse or neglect case, except as allowed by law. Pursuant to section 552a of Title 5, United States Code, the Family Education Rights and Privacy Act of 1974 (20 USC 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal government that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian Tribe, and State, or any Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian tribal government shall be treated the same as other Federal Government entities.
2. The legal requirements of confidentiality mean that I cannot discuss any matter pertaining to the Employee Incident Report I completed on this date with any member of my family, including parents, children, spouse, aunts, uncles, cousins, any school staff or with another person unless they are allowed access to such information by law.
3. If I do not keep substantiated and/or unsubstantiated child abuse and/or neglect cases confidential, I may be subject to disciplinary action up to and including termination of my job as allowed by tribal or federal law or BIE policies and procedures.

---

Signature of Mandated Reporter **(Required)**

Position/Title

Date

### Witnessed by:

---

Signature of School Principal/Administrator or Designee **(Required)**

Date

### Tracking of Notifications Information on Person Making Notifications

#### BIE NOTIFICATION **(Required)**:

	<b>PERSON CONTACTED, TITLE AND TELEPHONE NUMBER</b>	<b>DATE &amp; TIME OF REPORT</b>	
		<b>Verbal Contact <b>(Required)</b></b>	<b>Written Contact <b>(Required)</b></b>
BIE Program Specialist	Michelle Begay      phone: (505) 563-5290      fax: (505) 563-5292	(date) (time)	(date) (time)

---

Full Name and Title of Individual completing this page:

Date:

Name, Title      (e-mail address)

THIS PAGE INTENTIONALLY BLANK

## **Appendix F**

Coversheet for SCAN Reports Containing a Confidential Source

# Attention

The attached file contains information which was obtained under a pledge of confidentiality. The information must not be discussed in such a manner that would disclose the identity of the Confidential Source(s).

Dissemination, distribution, copying, or unauthorized use of the information contained in the attached Report is strictly prohibited. As requested in writing, the identity of the person making the attached report must not be disclosed to individuals who do not have a need to know the information as part of their official duties without the written consent of the individual.

Questions about the handling or possible use of protected source information should be directed to the BIE Program Specialist (SCAN) at (505) 563.5290. All requests for disclosure of information will be referred to the Bureau of Indian Affairs Freedom of Information and Privacy Act Officer.

# Attention

## **Appendix G**

### **Notification to Alleged Offender – SCAN**

**(BIE Employees, Contractors, and Consultants Only)**



# United States Department of the Interior

BUREAU OF INDIAN EDUCATION

[School Name]  
[School Address]  
[City, State and Zip Code]



September 13, 2019

## Memorandum

To: [Employee's Name, Title]  
[School Name]

From: [Principal/Administrator's Name, Title]  
[School Name]

Subject: **Notification to Alleged Offender – Suspected Child Abuse/Neglect (SCAN)**

On **[insert date of report]** a Suspected Child Abuse/Neglect (SCAN) Report was completed alleging you as the suspected offender. The following is for your information:

Type of Incident Alleged: **[Indicate whether Physical Abuse or Sexual Abuse]**

Summary of Allegation: **[Provide a short summary of the specific allegation]**

In accordance with the *Indian Child Protection and Family Violence Prevention Act and the Crime Control Act of 1990*, you are being removed from contact with or control over Indian children pending a determination of whether your continued contact with Indian children poses an eminent threat to the well-being of children. It is expected that you will be in this status for a period of time while law enforcement officials review the SCAN Report and make determination regarding the allegation. The role of law enforcement is to initiate an investigation to the allegations documented on the SCAN Report. Upon completion of the investigation, law enforcement officials will provide recommendations to the Program Specialist (BIE) in accordance with the *Suspected Child Abuse and Neglect (SCAN) and Employee Incident Reporting Protocol*.

While in this status, you must be available for contact in the event management at **[School Name]** requires you to report back to duty, or law enforcement representatives need to contact you for a statement or interview. Please be advised that you are **[reassigned to (identify a location) or are placed on Administrative Leave]** until such time the investigation is completed.

You are further advised that if the allegation is substantiated, it may result in administrative action that may impact your employment status and/or your suitability to work with children.

You will be advised, in writing, of the final outcome of the SCAN Report through the *Notification of Case Closure*. If you should have any questions, please contact [identify the Principal or Administrator at School Name].

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt.

---

Employee Signature

Date

---

Administrator's Signature

Date

cc: BIE Program Specialist (SCAN)

**Administrative Leave Information:**

Employee's Physical/Location of Home:

---

---

---

Contact numbers:

Cell Phone No.: \_\_\_\_\_

Home Phone No.: \_\_\_\_\_

## **Appendix H**

Notification to Alleged Offender – Employee Incident Report

(BIE Employees, Contractors, and Consultants Only)



# United States Department of the Interior

BUREAU OF INDIAN EDUCATION

[School Name]  
[School Address]  
[City, State and Zip Code]



September 13, 2019

## Memorandum

To: [Employee's Name, Title]  
[School Name]

From: [Principal/Administrator's Name, Title]  
[School Name]

Subject: **Notification to Alleged Offender – Employee Incident Report**

On [insert date of report] an Employee Incident Report was filed naming you as the alleged offender. The following is for your information:

Type of Incident Alleged: **[Indicate type of discourteous conduct by staff to student]**

Summary of Allegation: **[Provide a short summary of the specific allegation]**

In accordance with the *Indian Child Protection and Family Violence Prevention Act and the Crime Control Act of 1990*, you may be removed from contact with or control over Indian children pending a determination of whether your continued contact with Indian children poses an eminent threat to the well-being of children.

In the event you are removed, it is expected that you may be in this status for one to two days while I, the Principal/Administrator, review the Employee Incident Report and reach a resolution in accordance with the *SCAN & Employee Incident Reporting Protocol*. While in this status, you must be available for contact by management.

You will be removed from contact with children. Please be advised that you are **[reassigned to (identify a location) or are placed on Administrative Leave]** until such time a determination is made.

You will not be removed from contact with children.

The role of the Principal/Administrator is to ensure that the Employee Incident Report was completed accurately and to ensure the school continues to function efficiently and effectively

without further impact on the named child or other children. Further consultation with HR/LR and the Program Specialist (SCAN) will be exercised as necessary.

You are further advised that if the allegations are substantiated, it may result in administrative action that may impact your employment status and/or your suitability to work with children.

You will be advised, in writing, of the final outcome of the Employee Incident Report through the *Notification of Case Closure*. If you should have any questions, please contact [identify Principal or Administrator at School Name].

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt.

---

Employee Signature

---

Date

---

Administrator's Signature

---

Date

cc: BIE Program Specialist (SCAN)

**Administrative Leave Information:**

Employee's Physical/Location of Home: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact numbers:

Cell Phone No.: \_\_\_\_\_

Home Phone No.: \_\_\_\_\_

## Appendix I

SCAN Fax Cover Sheet

**Confidential.....Confidential.....Confidential**  
**.....Confidential.....Confidential.....**

SCAN Document-Report  
Bureau of Indian Education

To:

◊ Michelle Begay, LMSW (Program Specialist-SCAN)	<u>505.563.5292</u> (Fax Number)	<u>505.563.5290</u> (Phone Number)	
◊ Social Services (Child Protective Service)	(Name)	(Fax Number)	(Phone Number)
◊ Law Enforcement	(Name)	(Fax Number)	(Phone Number)
◊ Other:	(Name)	(Fax Number)	(Phone Number)
Total Pages (incl. cover): _____			

**From:** \_\_\_\_\_  
(Name) \_\_\_\_\_  
(Phone Number) \_\_\_\_\_

Date:

#### **Comments:**

#### **Comments:**

## Appendix J

### Notification of Closure to Alleged Offender - SCAN



# United States Department of the Interior

BUREAU OF INDIAN EDUCATION

[School Name]  
[School Address]  
[City, State and Zip Code]



September 13, 2019

## Memorandum

To: [Employee's Name, Title]  
[School Name]

From: [Principal/Administrator's Name, Title]  
[School Name]

Subject: **Notification of Case Closure – Suspected Child Abuse/Neglect (SCAN)**

On [insert date of report] a SCAN Report was filed where you were named as the alleged offender. Findings, conclusion and corrective/proactive actions are as follows:

**ALLEGATION:** [Indicate type of abuse (Physical, Sexual) or one was confirmed and a short summary of the specific allegation.]

**FINDING(S):** [Provide a summary of the findings to include the results of the administrative inquiry, if applicable. If a Law Enforcement investigation was conducted, a summary statement of the investigation should be provided. Emphasis should be on the facts of the case and include no opinions or speculation.]

**CONCLUSION:** [State the results of the findings as they relate to the employee's position. This should include action(s) that the supervisor believes may be required to address the incident/conduct identified within the finding(s) such as training; verbal counseling; performance improvement; referral to Employee Assistance Program; disciplinary or adverse action; ect.] You may return to your Position of Record on [insert date].

**CORRECTIVE ACTION/PROACTIVE PLAN:** [Recommendations for corrective measures to prevent a similar incident from occurring in the future and/or proactive measures must be included.]

This memorandum shall serve to notify you that the SCAN Report dated [insert date of report] has been closed. If the disposition of the SCAN Report results in the contemplation of disciplinary measures, you will be notified through separate correspondence, as that is a separate action.

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt.

---

Employee Signature

---

Date

---

Administrator's Signature

---

Date

cc: BIE Program Specialist (SCAN)

## **Appendix K**

Notification of Closure to Alleged Offender – Employee Incident Report



# United States Department of the Interior

BUREAU OF INDIAN EDUCATION

[School Name]  
[School Address]  
[City, State and Zip Code]



September 13, 2019

Memorandum

To: [Employee's Name, Title]  
[School Name]

From: [Principal/Administrator's Name, Title]  
[School Name]

Subject: **Notification of Case Closure – Employee Incident Report**

On [insert date of report] an Employee Incident Report was filed naming you as the alleged offender. The findings, conclusion and corrective/proactive actions are as follows:

**ALLEGATION:** [Indicate type of discourteous conduct by staff to student; and a short summary of the specific allegation.]

**FINDING(S):** [Provide a summary of the findings to include the results of the administrative inquiry by the Principal/Administrator. Emphasis should be on the facts of the case and include no opinions or speculation.]

**CONCLUSION:** [State the results of the findings as they relate to the employee's position. This should include action(s) that the supervisor believes may be required to address the incident/conduct identified within the finding(s) such as training; verbal counseling; performance improvement; referral to Employee Assistance Program; disciplinary or adverse action; ect.] You may return to your Position of Record on [insert date].

**CORRECTIVE ACTION/PROACTIVE PLAN:** [Recommendations for corrective measures to prevent a similar incident from occurring in the future and/or proactive measures must be included.]

This memorandum shall serve to notify you that the Employee Incident Report dated [insert date of report] has been closed. If the disposition of the Employee Incident Report results in the contemplation of disciplinary measures, you will be notified through separate correspondence, as that is a separate action.

Please acknowledge receipt of this memorandum in the space provided below and return it to me. Your signature does not mean that you agree with the contents of this notice, but merely reflects that you received it.

I hereby acknowledge receipt.

---

Employee Signature

---

Date

---

Administrator's Signature

---

Date

cc: BIE Program Specialist (SCAN)